

HCS HB 430 -- JUVENILE COURT JURISDICTION

SPONSOR: Rhoads

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Judiciary by a vote of 10 to 1.

The bill provides that certain amendments to the statute are subject to appropriations by the General Assembly for specified employment positions exceed amounts spent on those positions in the 2016 fiscal year.

A child who has been certified to stand trial as an adult on or after January 1, 2018, must be detained in a secure juvenile detention facility until whichever of the following occurs first: the child posts bail; the child turns 17, at which point the child will be transferred to an appropriate adult jail; or upon recommendation of a juvenile officer or superintendent of the juvenile detention facility and upon motion by the prosecuting attorney or circuit attorney the child has been ordered by the court to be removed from the juvenile detention facility after it is determined that keeping the child at the juvenile detention facility poses a risk of harm to other noncertified juveniles housed in the facility or to staff employed in the facility. The bill further specifies other restrictions and procedures regarding children certified to stand trial as adults.

The bill increases the minimum amount to be paid to the county governing body in whose custody a child is detained from \$14 per day to \$19 per day.

This bill is similar to HB 1812 (2016).

PROPONENTS: Supporters say that it is time to address the existing issue. There are many things a person cannot do at the age of 17, so it should not be the age of majority in Missouri. Raising the age of majority will not affect the court's ability to certify individuals as adults under certain circumstances. However, the most common offenses 17-year-olds are arrested for are petty, non-violent offenses. Raising the age has been shown to save states money, reduce reoffending, benefit Missouri's workforce, among other benefits. Kids with permanent records are less employable and are less able to support their families, which reduces the state's ability to generate revenue. Every state that borders Missouri has raised the age because it is the fiscally safe and sane thing to do. Cost avoidance from future offenses is what provides the biggest cost saving. The juvenile justice system is the proper place to hold juveniles accountable. There are also several other good services available for juveniles. Finally, from

a moral perspective, it is a failure of society to treat children as adults.

Testifying for the bill were Representative Rhoads; Tammy Walden; Missouri Juvenile Justice Association; Michael Couty, Cole County, Juvenile Court; and Beverly Newman, 17th Judicial Circuit.

OPPONENTS: Those who oppose the bill say that there are significant challenges surrounding what the actual costs to raise the age would be. There is a probability that it will cost a lot more than people expect it to. Additionally, the bill does not address compulsory school attendance, and it is dangerous not to raise the age for that while raising the age of majority. If these kids were to drop out of school, there would be no one supervising them. Furthermore, it should not be overlooked that there are teenagers who consciously and intentionally commit crimes. One example is of a 15-year-old girl who decided to kill a 9-year-old girl "just because" and the only reason she is in prison is because of the mandatory certification. Certifying a juvenile as an adult is not easy; the judge has to be convinced that the juvenile must be certified as an adult because none of the services available to the juvenile will help the individual.

Testifying against the bill was Kurt Valentine, 19th Judicial Circuit.

OTHERS: Others testifying on the bill say the bill is fine but there would be an issue with eliminating the mandatory certification for violent offenders. The fiscal note is also concerning.

Testifying on the bill were Mark A. Richardson, Cole County Prosecutor and Missouri Association of Prosecuting Attorneys; Lori Stipp, Jackson County Family Court; and Theresa Byrd, Jackson County Family Court.